

REMARKS

This amendment is submitted in response to the Advisory Action mailed 3/29/05. Claims in their pending forms are also submitted herein.

Claims 10-31 stand rejected based on 35 USC 102 and 35 USC 103. The gist of the Examiner's position supporting these rejections is that Shima's definition of a disclosed device driver inherently includes a link driver because link drivers control link devices.

Applicant respectfully traverses this reasoning. Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

In order to support an anticipation rejection based on inherency, an Examiner must provide factual and technical grounds establishing that the inherent feature **necessarily flows from the teachings of the prior art.** *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int. 1990); *In re Oelrich*, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981) (holding that inherency must flow as a necessary conclusion from the prior art, not simply a possible one). Applicants submit that the Examiner has not made a *prima facie* case of anticipation of present claims 10-31 based on inherency.

There is no indication in Shima that a device driver necessarily includes a link driver. Specifically, Shima states examples of devices as being **audio/visual devices** in claim 4 as well as in column 4, lines 11-12. Furthermore, as stated in Shima at column 32, lines As stated in Applicant's earlier responses, Shima is focused on solving a different problem than solved by Applicant's invention. Shima specifically focuses on optimizing arbitration timing, guarantee of adequate electrical power for all devices on the bus, and assigning channel and bandwidth resources. There is not mention of link drivers or how link drivers may be configured. As such, Shima cannot be construed to disclose the limitations of generating a link driver configuration, or loading the link driver configuration into a link driver. These limitations are claimed in every independent claim of the present application.

Furthermore, as Applicant has argued in previous responses, Shima teaches binding subobjects into objects to represent functions and characteristics of a device. Nowhere in Shima is there any description of the object actually controlling anything, as this is the function of a driver, not an object. The object is simply a representation and not a controlling application.

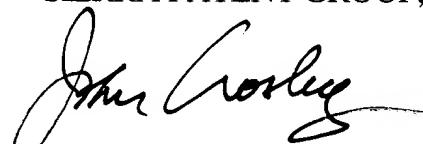
On the basis of Applicant's forgoing arguments, as well as arguments presented in earlier responses, Applicant respectfully submits that the 25 USC 102 and 35 USC 103 rejections cannot be maintained. Applicant respectfully requests Examiner place the present application in condition for allowance.

INVITATION TO TELEPHONE CONFERENCE

If Examiner feels there are any remaining issues that may be resolved by telephone, the Examiner is invited to call the undersigned attorney at the phone number listed below.

Respectfully submitted,
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